HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 92 of 2003

1. Aftab
2. Asfaq
   Both S/o Mushtaq
   R/o Mohalla Teeryan
   Kasba Nehtor
   P.S. Nehtor, District Bijnor ……Applicants

Versus

1. State of Uttaranchal
2. Nazaqat Hussain
   S/o late Shri Mahmood Hussain
   P.S. Bhawaniganj
   P.S. Ram Nagar
   District Nainital …..Respondents

AND

Criminal Misc. Application No. 107 of 2003

1. Smt. Ajeeja W/o Shri Mustaq
2. Mustaq S/o Ilahi Baksh
   R/o Mohalla Teeryan
   Kasba Nehtor
   P.S. Nehtor,
   District Bijnor
3. Smt. Hajjan @ Mussarat
   W/o Abid Hussain
   R/o Mohalla Jatwar
   P.S. Jaspur
   District U.S. Nagar …..Applicants

Versus

1. State of Uttaranchal
2. Nazaqat Hussain
   S/o late Shri Mahmood Hussain
   P.S. Bhawaniganj
   P.S. Ram Nagar
   District Nainital …..Respondents

Hon'ble J.C.S. Rawat, J.

Heard Sri Lokendra Dobhal learned counsel for the applicants and learned A.G.A. for the state.

This order shall dispose of the Criminal Misc. Appl. No.92/2003 as well as the Crl. Misc. Appl. No.107/2003.

The aforesaid petitions have been filed for quashing the chargesheet No. 47/2003 dated 15.4.2003 and proceeding of criminal case No. 925/2003 State Vs.

Aftab & others under section 498-A I.P.C. and section 3/4 Dowry Prohibition Act pending in the court of Chief Judicial Magistrate, Nainital.

It has been alleged that the marriage was solemnized between the applicant-Aftab and Smt. Shabnam on 28.10.2001 according to Muslim rites. Thereafter, on 23.2.2003 respondent No.2 lodged the FIR against the applicants at police station Ram Nagar, District Nainital alleging therein that the applicants are demanding the dowry of Rs. 2,00,000/- and a car from the daughter of respondent No.2. The police investigated the matter and submitted the chargesheet before the court. Feeling aggrieved by this, the present petitions have been filed.

During the pendency of the present petitions, the parties had filed the Compromise Application bearing No.958/2004 before this Court. The said application was sent to the Magistrate concerned for verification vide order dated 15.12.2004. Now, the compromise application has been received after verification from the learned Magistrate. In view of the above, it is revealed that no disputes at present persist between the parties.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned cases. It has been held by the Hon'ble Supreme Court in **B.S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277:-**

> *"12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.*
>
> *13. The observations made by this Court, though in a slightly different context, in* ***G.V. Rao***

Vs. L.H.V. Prasad and others 2000(3)SCC p/693 *are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counseled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."*

Considering the above facts and the principles laid down by the Apex Court, the charge-sheet mentioned above and entire proceedings in case no.925/2003 pending before the CJM, Nainital are hereby quashed.

The petition are allowed accordingly.

(J.C.S. Rawat, J.)

Dated 14.07.2005

LSR